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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,495	09/30/2003	Yatish J. Joshi	GTA0001.02	6047
27187	7590	04/30/2004	EXAMINER	
BAKER & DANIELS 205 W. JEFFERSON BOULEVARD SUITE 250 SOUTH BEND, IN 46601			COZART, JERMIE E	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/675,495	Applicant(s) JOSHI ET AL.	
	Examiner Jermie Cozart	Art Unit 3726	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-20 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 10 is/are rejected.
- 7) ☒ Claim(s) 4-9 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/9/2004</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sidewall having a generally frusto-conical shape and including six generally triangular shaped sections must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities: On page 6, paragraph [0041], lines 4-5, it is suggested to either start line as a new paragraph with proper indentation and numbering or to backspace the sentence up to line 4. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (4,124,049) in view of Aarts (5,333,492).

Yamaguchi discloses fabricating a liquid storage tank (20) wherein a fabric is provided, a base portion (a) and a top portion (b) are cut from the fabric, the base portion (a) is sealed to the top portion (b), and the tank (20) is pressurized. Yamaguchi discloses the sealing being accomplished by radio frequency sealing (e.g. high frequency welder). *See column 3, lines 7-50, and figure 7 for further clarification.*

Yamaguchi, however, does not disclose checking the tank for leaks when pressurized.

Aarts discloses pressurizing the tank and checking the tank for leaks when pressurized. *See column 2, line 57 – column 6, line 1, and the figure for further clarification.*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to check the tank of Yamaguchi for leaks when pressurized, in light of the teachings of Aarts, in order to effectively test a package for leaks.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi/Aarts as applied to claims 1 and 2 above, and further in view of Crimmins (5,368,395).

Yamaguchi/Aarts discloses all of the claimed subject matter except for reinforcing sealing seams of the tank with a sealant tape.

Crimmins disclosing reinforcing sealing seams of the tank with a sealant tape (col. 3, lines 63-65). *See column 2, line 36 – column 4, line 27 for further clarification.*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to reinforcing the sealing seams of the tank of Yamaguchi/Aarts with a sealant tape, in light of the teachings of Crimmins, in order to effectively protecting the seams and prevent puncture of the tank.

6. Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi in view of JP 360211332A.

Yamaguchi discloses fabricating a liquid storage tank (20) wherein a fabric is provided, a base portion (a) and a top portion (b) are cut from the fabric, the base portion (a) is sealed to the top portion (b), and the tank (20) is pressurized. Yamaguchi discloses the sealing being accomplished by radio frequency sealing (e.g. high frequency welder). *See column 3, lines 7-50, and figure 7 for further clarification.*

Yamaguchi, however, does not disclose checking the tank for leaks when pressurized, or the tank being pressurized with air and checked for leaks using a soapy solution.

JP 360211332 discloses pressurizing a piece of material with air and checking for leaks using a soapy solution. *See abstract, constitution, and figures 1-6 for further clarification.*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to pressurize the tank of Yamaguchi and check for leaks using a soapy solution, in light of the teachings of JP 360211332, in order to effectively to determine if there is a leak in the material being tested.

***Allowable Subject Matter***

7. Claims 4-9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Claims 12-20 are allowed.
9. The following is a statement of reasons for the indication of allowable subject matter: Regarding **claim 12**, the prior art does not teach or suggest cutting an opening in the storage tank after the pressurizing and checking for leaks steps have been completed, in combination with the other claimed limitations; Regarding **claim 20**, the prior art does not teach or suggest cutting a flexible linear opening in the top wall, and forming a flexible support about the opening to form a pathway that extends above the top wall of the tank, in combination with the other claimed limitations.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference cited on the attached PTO-892 is cited to show pressurizing a flexible bag for leaks.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 703-305-0126. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm.

Art Unit: 3726

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DAVID P. BRYANT  
PRIMARY EXAMINER



JC  
April 28, 2004